

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9898 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
(Points Nos. 1 to 5 - No)
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VISHNUPRASAD S MASHAR

Versus

CHIEF JUDGE

Appearance:

1. Special Civil Application No. 9898 of 1996
MR GM JOSHI for Petitioner
SERVED BY DS for Respondent No. 1, 3, 4
MR DA BAMBHANIA for Respondent No. 2
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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/05/97

ORAL JUDGEMENT

This petition is preferred by a person who is selected for the post of Section Writer under the

respondent No.1. Under communication dated 8th September, 1988 the petitioner was informed that the petitioner was placed at Sr.No.22 on the merit list for appointment to the post of Section writer. The petitioner, however, having reached the upper age for appointment to the post of section writer his name was deleted from the select list and under communication dated 18/23rd September, 1993, the petitioner was informed that his name from the select list for the post of section writer/junior clerk was deleted which was, however, reinserted in view of the directions issued by this court in several writ petitions.

It is the claim of the petitioner that the respondents Nos. 3 & 4 were also selected along with him and were placed at Sr.Nos.24 and 25 on the merit list. Said respondents Nos. 3 & 4 have been appointed as junior clerks under the respondent No.1 sometime in the month of September 1996. The petitioner immediately made a representation and requested to offer appointment to him. Said representation has not been responded to as yet.

Neither of the respondents is represented before this court and no affidavit is made by either of the respondents. The facts stated in the petition are not controverted. The averments made by the petitioner regarding his selection for the post of section writer (Junior clerk) has been substantiated by documents at Annexures A to C to the petition. In view of these uncontroverted facts, the petition is required to be allowed.

Respondents Nos.1 & 2 are directed to offer appointment to the petitioner, after completion of necessary formalities, to the post of junior clerk. In case there is no vacancy in the cadre of junior clerk under respondent No.1, the first vacancy arising hereafter shall be offered to the petitioner. Irrespective of the date of his appointment the petitioner shall be treated as senior to the respondents Nos. 3 & 4.

Petition is allowed to the aforesaid extent.
Rule is made absolute.
